

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

May 30, 2002

OFFICE OF THE
EXECUTIVE SECRETARY

IN RE: *Generic Docket to Consider
Technology Advances*

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) *Docket No. 02-00434*
)
)

PETITION TO INTERVENE

Birch Telecom, Inc. petitions the Tennessee Regulatory Authority ("TRA") to intervene in the above-captioned proceeding pursuant to T.C.A. § 4-5-310(b).

Birch Telecom, Inc. is a competitive local exchange carrier certified by the Tennessee Regulatory Authority ("TRA") to offer intrastate telecommunications services in Tennessee.

The above-captioned docket concerns the unbundled network element ("UNE") rates requiring reevaluation due to advances in technology. The technological advances in loop, switching, and cost modeling that have occurred since the 1997 cost case in Tennessee ("the Permanent Prices" docket 97-01262) require that the recurring and nonrecurring rates for all UNEs for BellSouth in Tennessee be reevaluated. As a competing local exchange carrier in Tennessee, Birch Telecom, Inc. utilizes UNEs provided by BellSouth; therefore, Birch Telecom Inc.'s legal rights, duties, privileges, immunities, or other legal interests or responsibilities may be affected or determined by the outcome of this proceeding.

Granting this petition will not impair the orderly and prompt conduct of these proceedings.

Birch Telecom, Inc. therefore requests that this Petition to Intervene be granted.

Respectfully submitted,

5/31/02

By:


Henry Walker

Boult, Cummings, Conners & Berry, PLC

414 Union Street, Suite 1600

P. O. Box 198062

Nashville, Tennessee 37219

(615) 252-2363

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 30th day of May, 2002.

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300


Henry Walker